



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LAWRENCE TAMARKIN ET AL.

Serial No. 08/215,030

Filed: March 18, 1994

For: COMPOSITION AND METHOD  
FOR REDUCING TOXICITY OF  
BIOLOGICALLY-ACTIVE FACTORS

Examiner: Julie K. Staples  
Art Unit: 1813

#6/af  
5/12/95

RESPONSE

Assistant Commissioner of Patents  
Washington, DC 20231

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Sir:

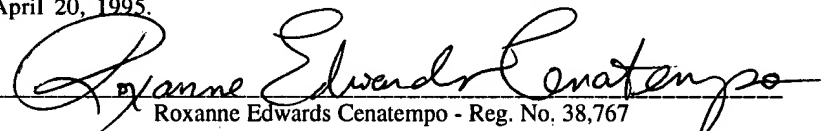
Responsive to the election requirement dated November 23, 1994, a response to which is due April 24, 1995, applicants respectfully request reconsideration of the above-identified application in view of the following election.

Election of Species Under 35 U.S.C. § 121

The Examiner stated that an election of species would be required as it was found that claims 9, 16, and 20 are generic to a plurality of patentably distinct species. Accordingly, pursuant to 35 U.S.C. § 121, one of the following species must be elected:

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, DC 20231, on April 20, 1995.

  
Roxanne Edwards Cenatempo - Reg. No. 38,767

- Species 1:* Interleukin 2(IL-2)
- Species 2:* lipid A
- Species 3:* phospholipase A2
- Species 4:* endotoxins
- Species 5:* Staphylococcal enterotoxin B
- Species 6:* Type I Interferon
- Species 7:* Type II Interferon
- Species 8:* Tumor Necrosis Factor
- Species 9:* IL-1
- Species 10:* IL-6
- Species 11:* IL-8
- Species 12:* IL-4
- Species 13:* Transforming Growth Factor- $\beta$
- Species 14:* Lymphotoxin
- Species 15:* IL-5
- Species 16:* Migration Inhibition Factor
- Species 17:* IL-3
- Species 18:* Granulocyte-Macrophage Colony-Stimulating Factor (CSF)
- Species 19:* Monocyte- Macrophage CSF
- Species 20:* Granulocyte CSF
- Species 21:* IL-7
- Species 22:* IL-10
- Species 23:* IL-11
- Species 24:* IL-12
- Species 25:* IL-13
- Species 26:* Vascular Ephithelial Growth Factor (VEGF)

*Species 27: Agiogenin*

*Species 28: Transforming Growth Factor (TGF $\alpha$ )*

*Species 29: Heat shock proteins*

*Species 30: Carbohydrate moieties of blood groups*

*Species 31: Rh factors*

*Species 32: Fibroblast Growth Factor*

Applicants elect Species 1, namely Interleukin 2 (IL-2) for further prosecution.

The Examiner stated that along with an identification of the species that is elected for further prosecution, applicants must also provide a list of all claims readable thereon, including any claims subsequently added.

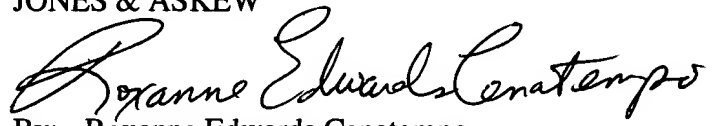
Accordingly, applicants submit that all of the pending claims read on Species 1, namely, Interleukin 2 (IL-2).

It is respectfully submitted that the foregoing is completely responsive to the election requirement mailed November 23, 1994, and that all claims remaining in the application are in condition for allowance. Such action is courteously solicited.

If the Examiner believes that any other informalities remain in the case which may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned attorney at (404) 818-3700 is respectfully solicited.

Respectfully submitted,

JONES & ASKEW

  
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